

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0456/1dn

RLR:cjs:pg

June 20, 2005

Sara:

This amendment allocates tribal gaming receipts for specified purposes. It does not specify that funding is to come from amounts paid by the Oneida tribe, because all the tribal gaming payments are collected in one appropriation account, and money in the appropriation is not identified by which tribe made the payment.

A Wisconsin court could find that the allocations in this amendment to specific recipients are “private or local laws” which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single–subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), “a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest.” As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.

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